

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIK ROSVOLD,

Plaintiff/Counter-Defendant, Case No. 04-75009

v. District Judge Julian Abele Cook, Jr.
Magistrate Judge R. Steven Whalen

L.S.M. SYSTEMS ENGINEERING,
INC., a Domestic Profit Corporation,

Defendant/Counter-Plaintiff,

ORDER

Before the Court is Plaintiff's Motion for Entry of Default and Costs for Failure to Comply with Discovery Requests [Docket #33]. For the reasons and under the terms stated on the record on June 1, 2006, the motion is GRANTED IN PART AND DENIED IN PART as follows:

1. Plaintiff's request for entry of default is DENIED.
2. Within seven days of the date of this Order, Defendant shall provide to Plaintiff supplemental answers to Plaintiff's First Set of Interrogatories, fully and completely responding to all interrogatories, with the exception that Defendant need not provide home addresses or Social Security numbers.

3. Within seven days of the date of this Order, Defendant shall produce for Plaintiff copies of all documents requested in Plaintiff's Second Request to Produce. As stated on the record on June 1, 2006, the Court finds Defendant's objections to this discovery to be without merit. The only modification to Plaintiff's Second Request to Produce will be to Request #18, which shall read as follows: "Please produce copies of any and all documents used to prepare your tax returns for the last five years." This shall include documents, in paper, digital or other form, that Defendant provided to its accountants for preparation of said tax returns.

4. Plaintiff's request for reasonable costs and attorney fees associated with bringing this motion is GRANTED. Within seven days of the date of this Order, Defendant shall pay to Plaintiff's counsel the amount of \$1,000.00 (one-thousand dollars).

5. Defendant is advised that failure to comply with this Order, or any Order of this Court, may result in the imposition of the most drastic sanctions permissible under Rule 37(b)(2), including striking Defendant's pleadings, entry of default judgment, and contempt of court sanctions.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: June 1, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on June 1, 2006.

s/Gina Wilson
Judicial Assistant